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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,459	10/27/2003	Dario Augugliaro	132702-0070	2493

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EXAMINER	
PICO, ERIC E	
ART UNIT	**PAPER NUMBER**
3654	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/694,459	AUGUGLIARO, DARIO	
	Examiner	Art Unit	
	Eric Pico	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *15 and 17-20* is/are allowed.

6)☒ Claim(s) *1-6,8-11 and 14* is/are rejected.

7)☒ Claim(s) *7,12 and 13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim(s) 1, 4, 9, and 10 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. U.S. Patent No. 5105109 in view of Yuichiro et al. JP Publication No. 2000-255941.

3. **Regarding claim 1**, Nakai et al. discloses an elevator counterweight 3 for connection to an elevator car 4 by flexible support means, referred to as ropes 6, and movable along counterweight guide rails 8 comprising a counterweight frame, referred to as casing frame 17, adapted to be connected to the flexible support means 6 and moved along the counterweight guide rails 8, a plurality of weight elements, referred to as counterweights 2, fixed in the frame 17, upper and lower guide shoes, not numbered but shown in Figure 1, attached to the frame 17 and adapted to engage the counterweight guide rails 8; and the frame 17 including four vertical beams, not numbered but shown in Figures 1 and 7, spaced over a width of the frame 17 and three horizontal crossbars, not numbered but shown in Figures 1 and 7, attached to the vertical beams, the crossbars extending over the width of the frame, the beams and the

crossbars forming two grid fields adapted to receive the weight elements 2 with the weight elements 2 being fixed in the grid fields.

4. Nakai et al. is silent concerning the beams and said crossbars forming at least four grid fields adapted to receive the weight elements.

5. Yuichiro et al. teaches a balance weight divided in the vertical direction by a crossbar, referred to as partition plate 19, creating a first subweight 22 and a second subweight 20.

6. It would have been obvious to one of ordinary skill in the art at the time of the invention to divide each of the two grid fields disclosed by Nakai et al. by a partition plate, a first subweight, and a second subweight as taught by Yuichiro et al. thus creating four grid fields adapted to receive the weight elements to provide a means to adjust the weight of the counterweight to rescue passengers in a car stopping at the top of a hoist way in an elevator.

7. **Regarding claim 4**, Nakai et al. discloses the beams and the crossbars are arranged in a common plane, shown in Figures 1 and 7.

8. **Regarding claim 9**, Nakai et al. discloses the beams prevent horizontal movement of the weight elements 2 in the grids.

9. **Regarding claim 10**, Nakai et al. discloses the weight elements 2 are formed as rectangular blocks.

10. Claim(s) 2 and 3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. U.S. Patent No. 5105109 in view of Yuichiro et al. JP Publication No.

2000-255941 as applied to claim 1 above, and further in view of Yoo et al. U.S. Patent No. 5080201.

11. **Regarding claim 2**, Nakai et al. discloses a first one of the crossbars terminates the frame 17 at a top, a second one of the crossbars terminates the frame 17 at a bottom and a third one of the crossbars is arranged between the first and second crossbars, each outermost one of the beams extending only from the first crossbar to the third crossbar so that a lower left-hand one of the grids and a lower right-hand one of the grids are open at a respective left-hand side and right-hand side, shown in Figures 1 and 7.

12. Nakai et al. is silent concerning the lower guide shoes being mounted in the lower left-hand grid and the lower right-hand grid.

13. Yoo et al. teaches lower guide shoes, referred to as guide roller sets 10, being mounted in a lower left-hand grid and a lower right-hand grid, shown in Figures 1 and 2.

14. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount guide rollers disclosed by Nakai et al. in a lower left-hand grid and a lower right-hand grid as taught by Yoo et al. to facilitate airflow around the counterweight.

15. **Regarding claim 3**, Nakai et al. discloses a third crossbar fastened to the beams in a selected one of two vertically spaced positions to determine a height of the lower left-hand grid and the lower right-hand grid, shown in Figures 1 and 7.

16. Claim(s) 5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. U.S. Patent No. 5105109 in view of Yuichiro et al. JP Publication No. 2000-

255941 as applied to claim 1 above, and further in view of Gruber et al. U.S. Patent No. 6105798.

17. **Regarding claim 5**, Nakai et al. is silent concerning beams penetrate the crossbars and are connected with the crossbars at penetration locations.

18. Gruber et al. teaches beams 26, 28 penetrate the crossbars 30 and are connected with the crossbars at penetration locations 30.

19. It would have been obvious to one of the ordinary skill in the art at the time of the invention to make the beams taught by Nakanishi penetrate crossbars and connect with the crossbars at penetration locations taught by Gruber et al. to evenly distribute the load onto the crossbars and facilitate a secure connection between beams and crossbars.

20. Claim(s) 6, and 11 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. U.S. Patent No. 5105109 in view of Yuichiro et al. JP Publication No. 2000-255941 as applied to claim 1 above, and further in view of Gagnon et al. U.S. Patent No. 5086881.

21. **Regarding claim 6**, Nakai et al. is silent concerning beams formed with profile members having a U-shaped cross-section.

22. Gagnon et al. teaches beams formed with profile members having a U-shaped cross-section.

23. It would have been obvious to one of the ordinary skill in the art at the time of the invention to manufacture the beams disclosed by Nakanishi with a U-shaped cross-section taught by Gagnon et al. to securely fix weight elements between the beams.

24. **Regarding claim 11**, Nakai et al. is silent concerning the beams are spaced to define a first width for a first portion of said grid fields and a second width different from the first width for at least a second portion of the grid fields.

25. Gagnon et al. teaches beams spaced to define a first width for a first portion of grid fields and a second width different from the first width for at least a second portion of the grid fields shown in Figures 1, 2, and 3.

26. It would have been obvious to one of the ordinary skill in the art at the time of the invention to have beams disclosed by Nakanishi spaced to define a first and second width of a grid field taught by Gagnon et al. to provide a diverse size of grids to accommodate various sized components.

27. Claim(s) 8 and 14 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakai et al. U.S. Patent No. 5105109 in view of Yuichiro et al. JP Publication No. 2000-255941 as applied to claim 1 above, and further in view of Nakanishi U.S. Patent No. 5300737.

28. **Regarding claim 8**, Nakai et al. discloses safety brake devices.

29. Nakai et al. is silent concerning the safety brake devices attached to a lower surface of an intermediate one of the crossbars.

30. Nakanishi teaches safety brake devices 29, 30 are attached to a lower surface of an intermediate one of a crossbar, referred to as lower plate member 14b, through support shaft 25.

31. It would have been obvious to one of ordinary skill in the art at the time of the invention to attach the brake devices disclosed by Nakai et al. to a lower surface of an

intermediate one of a crossbar through support shaft as taught by Nakanishi to facilitate the connection between the counterweight and the break devices.

32. **Regarding claim 14**, Nakai et al. is silent concerning an uppermost and/or lowermost one of the crossbars has a center horizontal welding plate for fastening support means or weight compensating means.

33. Nakanishi teaches an uppermost crossbar 14a having a center horizontal welding plate 19 for fastening support means 4a, 4b, 4c.

34. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a center horizontal welding plate as taught by Nakanishi to an uppermost crossbar for fastening support means disclosed by Nakai et al. to facilitate the connection between the crossbar and the support means.

Allowable Subject Matter

35. Claims 7, 12, and 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

36. Claims 15, and 17-20 are allowed.

Response to Arguments

37. Applicant's arguments filed 06/06/2006 have been fully considered but they are not persuasive.

38. In response to applicant's argument that the additional crossbars extending over the full width of the Nakai casing 17 is not possible because it would interfere with the drive equipment positioned between the grids, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

Kathy Matecki

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